



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

SEP 20 2010

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT: Establishment of the Army National Cemeteries Advisory Committee

After careful consideration, your request to establish the Army National Cemeteries Advisory Committee is approved.

The statutory and regulatory requirements of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix) and the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b) can be exacting. My Advisory Committee Management Officer (ACMO) handles the day-to-day FACA issues and I recommend that your staff, especially your Designated Federal Officer (DFO), meet with him at the earliest opportunity to discuss these issues.

Procedurally, the ACMO is required by law to consult with the FACA Attorney and the General Services Administration's Committee Management Secretariat (CMS) on the Committee's charter. Prior to this, the ACMO will work with your point of contact to revise the charter to comply with current Office of the General Counsel and CMS requirements.

Following the CMS consultation, the ACMO must publish a notice in the Federal Register announcing the establishment of the Committee pursuant to 41 CFR § 102-3.65. The notice must appear for at least 15-calendar days before the charter may be filed with the congressional oversight committees and the Library of Congress.

Prior to the Committee's charter being filed, the Committee is prohibited from conducting any official business. We will expedite the coordination process, but in the meantime, I recommend your staff concurrently engage Ms. Michele Jones, Special Assistant to the Secretary of Defense for White House Liaison, and her staff to obtain the Secretary of Defense's approval prior to appointing Committee members.

As the DoD sponsor for the Committee, you exercise certain regulatory authorities on behalf of the Department of Defense pursuant to DoD policy (attached). Additionally, you have the option to delegate, in writing, certain responsibilities to the Assistant Secretary or three-star level, provided the designated individual is not a Committee member. The responsibilities that you may delegate are:

- Appoint the Committee's DFO; and

- In consultation with the General Counsel of the Department of the Army, determine when Committee meetings may be closed or partially closed to the public under the authority of 5 U.S.C. § 552b(c).

If you have any questions, please contact my ACMO, Mr. Frank Wilson, at (703) 601-6100, or his deputy, Mr. Jim Freeman at (703) 601-6128.

A handwritten signature in black ink, appearing to read "Michael L. Rhodes".

Michael L. Rhodes  
Director

Attachment:  
As stated

Copy to:  
SATSD(WHLO)  
RSBC Study Group

**ATTACHMENT**



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

JUL 27 2010

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARIES OF DEFENSE  
DEPUTY CHIEF MANAGEMENT OFFICER  
ASSISTANT SECRETARIES OF DEFENSE  
GENERAL COUNSEL OF THE DEPARTMENT OF  
DEFENSE  
DIRECTOR, OPERATIONAL TEST AND EVALUATION  
DIRECTOR, COST ASSESSMENT AND PROGRAM  
EVALUATION  
INSPECTOR GENERAL OF THE DEPARTMENT OF  
DEFENSE  
ASSISTANTS TO THE SECRETARY OF DEFENSE  
DIRECTOR, ADMINISTRATION AND MANAGEMENT  
DIRECTOR, NET ASSESSMENT  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: DoD Federal Advisory Committee Management Program – Duties and  
Responsibilities

This memorandum outlines duties and responsibilities with regard to the DoD Federal Advisory Committee Management Program, particularly the DoD sponsors, the Designated Federal Officers (DFO) appointed to each Federal Advisory Committee, and the committee members. The success of our Federal Advisory Committees rests with the personal commitment of each person involved in the Department's overall program.

The Director, Administration and Management (DA&M) is responsible for the statutory and regulatory Federal Advisory Committee Act (FACA) authorities of the Secretary of Defense, and executes many of these responsibilities through the Advisory Committee Management Office (ACMO). However, the Secretary of Defense retains the authority to appoint and renew committee and subcommittee members.

The DoD sponsors are the Secretary of Defense's main liaisons to the committee. These sponsors nominate committee members, provide support, and ensure that the committee is not unduly influenced by DoD personnel. A full account of the DoD sponsor's responsibilities is provided at attachment 1.

The DFO, appointed by the DoD sponsor, is accountable to the Department and the American people for ensuring that the committee complies fully with governing FACA statutes, regulations, and DoD policies. An overview of DFO main duties and responsibilities are at attachment 2.

Committee members, unless specifically authorized by an Act of Congress, may not exercise any duties that are inherently governmental, including the authorization and expenditure of public funds. All members, including regular government employees, are representatives of the American public and therefore offer opinion without influence of Department officials or interested groups. A brief overview of the responsibilities and restrictions pertaining to committee members appointed to serve on DoD-supported Federal Advisory Committees is provided at attachment 3.

If you have any questions about the Department's Federal Advisory Committee Management Program, please contact Frank Wilson at (703) 601-6000, Jim Freeman at (703) 601-6128, or Stephanie Bibighaus at (703) 693-7374.

A handwritten signature in black ink, reading "Michael L. Rhodes". The signature is fluid and cursive, with the first name "Michael" and last name "Rhodes" clearly legible.

Michael L. Rhodes  
Director

Attachments:  
As stated

**TAB 1**

## **DoD SPONSORS – DUTIES AND RESPONSIBILITIES**

When designated by the Director, Administration and Management (DA&M), the OSD Principal Staff Assistants, the Secretaries of the Military Departments, and the Chairman of the Joint Chiefs of Staff serve as the DoD Sponsor for DoD-supported advisory committees, and in that capacity shall:

1. Select and appoint a full-time or permanent part-time DoD employee to perform Group Federal Officer (GFO) duties for the Sponsor. This appointment authority may be further delegated in writing, but no lower than the Assistant Secretary level; a copy of the delegation letter must be filed and retained by the Advisory Committee Management Officer's (ACMO's) office. No one to whom this appointment authority is delegated may serve in any capacity on any committee sponsored by the DoD Sponsor in question.
  - a. The GFO, who must be a full-time or permanent part-time Federal employee, assists the Sponsor in overseeing and managing their aspects of the DoD Federal Advisory Committee Management Program.
  - b. The sponsor determines the GFO's duties and level of responsibility; normally, they handle the administrative aspects of the sponsor's program and act as a liaison between the Sponsor, the ACMO and the various DFOs.
2. Ensure that all Component guidance that implements DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program," August 6, 2007, is reviewed and approved by the ACMO's office prior to publication.
3. Make recommendations to the DA&M regarding the establishment, renewal or termination of DoD-supported federal advisory committees.
4. Provide support as deemed necessary for the performance of the committee and its mission. Support may include, but not limited to, funding, facilities, human resources, information technology, central services, contracting, and access to key DoD decision makers. [NOTE: Withholding of support through the arbitrary tightening of funds available to the committee could be viewed as undue influence on the committee's work.]
5. Submit qualified committee member appointment and reappointment nominees for approval by the Secretary of Defense.
6. Ensure that federal officers and employees do not interfere with the daily management responsibilities and functions or provide specific direction to appointed committee

members on how to execute their statutory responsibilities, who are to provide independent advice and recommendations to the U.S. Government.

7. Ensure that all DoD Components cooperate with any advisory committee and furnish such information and assistance as is necessary for the performance of its functions, consistent with applicable laws and regulations.
8. Develop a written committee membership plan that describes DoD's plan to attain fairly balanced membership for each Federal Advisory Committee, as required by governing regulations and law. The plan shall ensure that in the selection of committee and subcommittee members that DoD considers a cross-section of those points of view directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee. Advisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed.
9. Select and appoint a full-time or permanent part-time DoD employee to perform Designated Federal Officer (DFO) or Alternate DFO duties for each advisory committee. This appointment authority may be further delegated in writing, but no lower than the Assistant Secretary level or the three-star flag officer equivalent; a copy of the delegation letter must be filed and retained by the ACMO's office. No one to whom this appointment authority is delegated may serve in any capacity of the committee in question.
10. Determine, in consultation with the DoD Federal Advisory Committee Act (FACA) Attorney or the Military Department's General Counsel, as appropriate, whether to close all or part of an advisory committee or subcommittee meeting to the public pursuant to 5 U.S.C. § 552b(c). The Sponsor may delegate this approval authority in writing, but no lower than the Assistant Secretary level or the three-star flag officer equivalent; a copy of the delegation letter must be filed and retained by the ACMO's office. No one to whom this authority is delegated may serve in any capacity of the committee in question.
11. Evaluate, unless prohibited by statute or Presidential directive, an advisory committee's independent advice and recommendations, and determine which actions or policies shall be implemented by DoD. Only the PSAs, the Secretaries of the Military Departments, or the Chairman of the Joint Chiefs of Staff, who have been designated as DoD Sponsors of specific advisory committees shall be authorized to exercise this authority, and only when such advice falls within the scope of the responsibilities and functions formally assigned to them by a statute or a DoD Charter Directive. This authority may be further delegated in writing, but no lower than the Assistant Secretary level or the three-star flag officer equivalent; a copy of the delegation letter must be filed and retained by the ACMO's office. No one to whom



this appointment authority is delegated may serve in any capacity of the committee in question.

12. Develop and maintain a tracking mechanism that enables the Sponsor to (a) determine what advisory committee recommendations are made and which ones are adopted, partially adopted or rejected, (b) provide documented feedback to ACMO's office and the committee, and (c) determine the costs savings, if appropriate, to the Department.
13. Ensure that each GFO and DFO attend the General Services Administration's (GSA) FACA Course after initial appointment and every three years thereafter, for as long as they remain GFOs, DFOs or Alternate DFOs. In addition, the DoD Sponsor must ensure that all DFOs and Alternate DFOs receive appropriate orientation training on ethics requirements and the handling of Financial Disclosure Reports.
14. The GFOs and DFOs perform critical functions on behalf of the DoD Sponsor and, as such, the Sponsor should engage their GFOs and DFOs on a regular basis to assess status of execution. The DoD Sponsors monitor, through their GFOs and DFOs, that:
  - a. All committee members and committee staff members fully comply with the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R., Part 2635, and DoD Directive 5500.7-R, "Joint Ethics Regulation."
  - b. The GSA FACA Database for each advisory committee is accurately maintained; DFOs should review and update the database every 60 days.
  - c. Committee's official records are retained for the duration of the committee, and upon termination of the committee these records are archived in accordance with the guidelines published by the DoD and the National Archives and Records Administration.
  - d. The Annual Comprehensive Review and the Annual Report of Closed or Partially-Closed Meetings are prepared according to GSA and ACMO guidelines.
  - e. All DoD documents provided to the advisory committee are properly marked with the appropriate DoD Distribution Statements and, when appropriate, the proper classification markings and declassification schedules.
  - f. Classified material provided to an advisory committee is safeguarded, and that the advisory committee complies fully with DoD policies and procedures dealing with classified information.

- g. All advisory committees receiving or possessing classified information request and obtain the appropriate security reviews prior to the release of any information to the public. This includes but is not limited to news releases, published reports, and documents released or information discussed at open meetings. DoD written comments shall be confined to technical corrections or ensuring unauthorized disclosure of classified information. The DFO shall ensure that the committee retains copies of all security reviews and archives them with the committee's official records.
- h. Internal financial management practices and controls are developed and maintained by each advisory committee.
- i. No advisory committee uses virtual or new media meetings without prior approval from the ACMO and the DoD FACA Attorney.

TAB 2

## **DESIGNATED FEDERAL OFFICER – DUTIES AND RESPONSIBILITIES**

1. Ethics and Standards of Conduct – The Designated Federal Officer (DFO) shall:
  - a. Ensure that all committee members and staff members comply with the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R., Part 2635, and DoD Directive 5500.7-R, “Joint Ethics Regulation.”
  - b. Review and perform the duties of the DoD Review Official for all financial disclosure reports required of committee members or staff members prior to their appointment or employment.
  - c. Ensure those individuals required to file a financial disclosure report do so prior to their assumption of duties.
  - d. Consult with the DoD Federal Advisory Committee Act (FACA) Attorney and the appropriate Standards of Conduct Office to determine whether a potential conflict of interests exists for any committee member or staff member.
2. Committee Management – The DFO or Alternate DFO shall:
  - a. Ensure the committee complies with the Federal Advisory Committee Act of 1972, as amended, Title 41, Code of Federal Regulations §§ 102-3 through 102-3.185, and all DoD policies and procedures established.
  - b. Ensure that no subcommittees are formed by the committee unless specifically authorized by statute, or Presidential or Secretary of Defense determination.
  - c. Ensure that any request to detail Federal officers or employees to the committee is submitted in accordance with the policies and procedures of the individual’s Executive Branch Agency. Within DoD, the committee shall comply with the provisions of DoD Directive 1000.17, “Detail of DoD Personnel Outside of the Department of Defense.”
  - d. Ensure that any Federal officers or employees detailed to the committee receive performance evaluations in accordance with their Agency’s rules and procedures.
  - e. Request, when appropriate, that the Director, Administration and Management (DA&M), through the Advisory Committee Management Officer (ACMO), change or modify or renew the committee’s charter. [NOTE: Such requests may

require the coordination of the committee's DoD Sponsor and, if so, the DFO is responsible for obtaining this coordination.]

- f. Ensure that committee members are informed of and comply with all DoD personnel regulations or policies required of Special Government Employees.
  - g. Ensure that no committee member engages in any duty or function that is considered inherently governmental, to include the obligation of public funds or speaking on behalf of the Department of Defense. Questions about what constitutes inherently government activities will be referred to the DoD FACA Attorney.
  - h. Ensure that committee and subcommittee members are not provided with CAC cards or DoD e-mail accounts. Committee members who are also regular government employees must be advised not to conduct committee business on their government e-mail accounts since it may violate the Government in the Sunshine Act.
3. Committee Meetings – The DFO or Alternate DFO, unless otherwise prohibited by statute or Presidential directive, shall:
- a. Ensure that meetings (other than an initial organizational meeting without deliberations) are conducted and that the committee takes no action until the ACMO has filed the committee's charter and members have been duly appointed and have taken the oath of office.
  - b. Approve or call, in consultation with the committee chairperson, committee meetings.
  - c. Approve the committee meeting agenda in advance of publishing the Federal Register Notice, ensure public availability of the agenda during open meetings, and ensure committee meetings follows published agenda.
  - d. Ensure that committee meetings involving both classified and unclassified material are arranged so that the public is allowed to observe all unclassified proceedings.
  - e. Ensure that all committee meeting notices are published in the Federal Register at least 15 days prior to the scheduled committee meeting, and in accordance with the requirements stipulated in 41 CFR § 102-3.150.
  - f. Request and obtain written DoD approval to close or partially close any committee meeting to the public. Unless otherwise stated in statute or Presidential directive,

the DoD Sponsor is the approval authority; however, prior to approving the DFO's request, the Sponsor and the DoD FACA Attorney or the Military Department's General Counsel, as appropriate, must review the approved agenda and associated documents that substantiate closing the meeting to the public under 5 U.S.C. § 552b(c).

- g. Attend all committee meetings and adjourn any meeting that he or she determines not to be in the public interest.
  - h. Ensure that each committee meeting is (a) held at a reasonable time and in a manner or place reasonably accessible to the public, to include facilities that are readily accessible to and useable by persons with disabilities; and (b) sufficient to accommodate advisory committee members, advisory committee or agency staff, and a reasonable number of interested members of the public.
  - i. Ensure that any member of the public is permitted to file a written statement with the committee, and determine whether members of the public may speak to or otherwise address the committee during the public meeting.
  - j. Ensure that any committee meeting conducted in whole or part by a teleconference, videoconference, the Internet, or other electronic medium meets the requirements of 41 CFR §§ 102-3.135 through 102-3.175. No virtual or new media meetings shall be conducted unless prior approval is obtained from the ACMO and the DoD FACA Attorney.
  - k. Ensure that the meeting minutes are accomplished in accordance with 41 CFR § 102-3.165(b), and that the committee chairperson certifies the minutes within 90 calendar days of the meeting to which they relate.
4. General Services Administration (GSA) FACA Database – The DFO shall be responsible for maintaining the accuracy of the database maintained by the Committee Management Secretariat for every Federal advisory committee. [NOTE: The DFO should review and update the database every 60 days.]
5. Committee Records – The DFO shall:
- a. Ensure contemporaneous availability of committee records to the public.
  - b. Ensure the committee's official records are retained for the duration of the committee, and upon termination of the committee these records are archived in accordance with the guidelines published by DoD and the National Archives and Records Administration.

- c. Ensure that the Annual Comprehensive Review is conducted in accordance with guidelines published by the ACMO's office and the Committee Management Secretariat.
  - d. Ensure that the Annual Report of Closed or Partially-Closed Meetings is prepared in accordance with guidelines published by the ACMO's office and the Committee Management Secretariat.
  - e. Ensure that eight copies of each report made by the committee, including any report of closed or partially-closed meetings and, where appropriate, background papers prepared by experts or consultants, are filed with the Library of Congress.
6. National Security Information – The Designated Federal Officer shall be responsible for safeguarding all information provided to the committee that is classified under the provisions of Executive Order 12958, and ensuring the committee complies with DoD policies and procedures dealing classified information. To accomplish this each DFO shall:
- a. Ensure that a Federal officer or employee is appointed as a security manager for the committee. [NOTE: The security manager shall work directly for the Designated Federal Officer.]
  - b. Ensure that the committee complies with all requirements relating to the receipt and storage of classified material, and that committee retains copies of all records relating to the receipt of classified information.
  - c. Ensure that any committee receiving or possessing classified information obtains security reviews through the committee's DoD Sponsor prior to the release of any information to the public. This includes but is not limited to news releases, published reports, and documents released or information discussed at open meetings. The DFO shall ensure that the committee retains copies of all security reviews and archives them with the committee's official records.
  - d. Ensure that all U.S. Government documents received by the committee are properly marked with the appropriate distribution statements and, when appropriate, classification markings and declassification schedules.
7. Financial Management – The DFO shall ensure that each committee exercises fiduciary responsibility and management oversight for the expenditure of all Government funds. To accomplish this the DFO shall:
- a. Develop internal financial management practices and controls for their respective advisory committees.

- b. Review account balances and financial transactions on a regular basis to (a) identify unusual account balances; (b) ensure that sufficient evidence is retained in the transaction files to show that all transactions have been properly approved for payment; (c) ensure that prompt processing of vendor invoices; and (d) ensure that all financial transactions are achieved with the advisory committee's records.
- c. Review Government travel to (a) ensure that all Government travelers comply with the Joint Travel Regulations and provide appropriate documentation to support travel transactions, including a payment receipt or itinerary from the Commercial Travel Office (CTO) showing the travel paid for and boarding passes to indicate that the travel was taken; (b) ensure that the Government is promptly reimbursed for travel not taken, and that travelers are not overcompensated for their travel; and (c) that the advisory committee retains and archives completed individual travel vouchers as evidence that trips were taken and to support amounts claimed for reimbursement.
- d. Review contract files to (a) ensure that the advisory committee maintains contract files, to include contract award and contract administration, to document the basis for the advisory committee's decisions in acquiring goods and services from commercial vendors, to document each step in the acquisition process, and to document information for an outside review of the procurement process; (b) ensure that all statements of work contain a provision on organizational conflict of interest and that contract files contain signed assurances that contractors have no organizational conflict of interest; and (c) that all contract files are archived with the advisory committee's files.



TAB 3

## **COMMITTEE MEMBERS – DUTIES AND RESPONSIBILITIES**

1. Appointments – Committee members shall:
  - a. Complete all personnel, security and ethics appointment and renewal-required DoD appointment paperwork; all paperwork shall be returned to the appropriate office for processing.
  - b. Not engage in any committee or subcommittee business until DoD has processed all appointment or renewal of appointment paperwork, respectively, according to DoD policies, and the nominees / reappointments have taken the Oath of Office.
2. Ethics and Standards of Conduct – Committee members shall:
  - a. Comply with the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R., Part 2635, and DoD Directive 5500.7-R, “Joint Ethics Regulation.”
  - b. Discuss actual or potential conflicts of interest with the committee’s Designated Federal Officer (DFO), and when appropriate, recuse him or herself from participating in any committee matters that creates or may be perceived to create a conflict of interest.
  - c. Not engage in any duties or functions that the DoD Federal Advisory Committee Act (FACA) Attorney considers to be inherently governmental, to include obligating public funds or speaking on behalf of the Department of Defense.
3. Committee Management – Committee members shall:
  - a. Comply with the FACA guidance provided by the committee’s DFO; committee members may seek clarification from the Advisory Committee Management Officer (ACMO) or the DoD FACA Attorney.
  - b. Comply, unless otherwise stated in governing federal statutes or regulations, with Agency regulations and rules prescribed for DoD officers and employees.
  - c. Ensure that all committee reports are the results of the advisory committee’s judgment, independent from the Agency.
  - d. Ensure that each advisory committee report contains a statement describing the process used by the advisory committee in formulating the recommendations or conclusions contained in the report.

- e. Report to the Director for Administration and Management, the ACMO, or the DoD FACA Attorney any attempts by Federal officers or employees or interested groups to influence the committee's work.
4. Committee Chairpersons – Committee chairpersons shall:
- a. Determine, in consultation with the committee's DFO, parameters for if, and when, members of the public can address the membership during an open meeting; announce such parameters in published agenda.
  - b. When authorized by Act of Congress or Presidential directive, approve or call committee meetings.
  - c. Sign and certify the committee meeting minutes within 90 days of the meeting.
5. Committee Meetings – Committee members, unless otherwise prohibited by statute or Presidential directive, shall:
- a. Attend committee and subcommittee meetings.
  - b. Ensure that all committee business is conducted in the presence of the committee's DFO or Alternate DFO and according to Federal statutes and regulations governing federal advisory committees, to include the Government in the Sunshine Act.
6. National Security Information – Committee members shall:
- a. Ensure individual compliance with DoD policies and procedures dealing with classified information.
  - b. Ensure that the DFO reviews all Agency documents to verify that they are properly marked with approved DoD distribution statements, and the appropriate classification markings and schedules.
  - c. Ensure that meetings containing both classified and unclassified material are structured so that the American public is allowed the opportunity to observe the unclassified portion of the committee's proceedings.

**TAB B**



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

AUG 26 1993

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARIES OF DEFENSE  
ASSISTANT SECRETARIES OF DEFENSE  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
DIRECTOR, OPERATIONAL TEST AND EVALUATION  
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE  
ASSISTANTS TO THE SECRETARY OF DEFENSE  
DIRECTOR, ADMINISTRATION AND MANAGEMENT  
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION  
DIRECTOR, NET ASSESSMENT  
DIRECTOR, FORCE TRANSFORMATION  
DIRECTORS OF THE DEFENSE AGENCIES  
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Appointments and Duties of Designated Federal Officers for DoD-Supported  
Advisory Committees

All DoD-Supported Federal Advisory Committees, subject to the provisions of the Federal Advisory Committee Act (FACA) of 1972, as amended, shall have a full-time Federal officer or employee appointed as the committee's Designated Federal Officer (DFO). It is DoD policy that:

1. The appointment shall be in writing and done by the committee's DoD sponsor.
2. The DFO shall not be a member of the committee in question (i.e., the committee Chairperson, or a committee member), and is not an individual who is also in the decision-making process for the committee in question (e.g., designated to act upon the advice or recommendations emanating from the committee).
3. The DFO must attend the FACA training course offered by the General Services Administration at least once every three years that the individual serves as a DFO.

The Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, and the OSD Principal Staff Assistants, acting as the DoD sponsors for committees they are directed to sponsor, may delegate this appointment authority to the Assistant Secretary or three-star equivalent level provided the delegated authority is not serving in

any capacity whatsoever on the committee in question. Copies of any delegation of authority issued pursuant to this memorandum shall be provided to the Committee Management Officer (CMO) for the Department of Defense.

The DFO, as the Government's representative to the committee, is responsible for ensuring the committee's compliance with the Federal Advisory Committee Act of 1972, as amended and 41 CFR, Parts 102-3 through 102-3.185. In executing his or her duties the DFO is answerable to the DoD sponsor, the sponsor's General Counsel, and the DOD CMO. In addition, it is DoD policy that the committee shall not assign any committee-related duties to the DFO without written approval from the DoD sponsor in coordination with the DOD CMO.

Besides the DFO duties outlined in the Federal statute and regulations, all DoD-appointed DFOs, pursuant to 41 CFR, Part 102-3.105(b), shall be responsible for any duties prescribed by this office or the DoD CMO, to include:

1. Updating on a bi-monthly basis the GSA's FACA database on the committee.
2. Acting as the DoD review official for all Confidential Financial Disclosure Reports to determine if the filer has a potential conflict of interest. All questions relating to the potential conflicts of interest will be addressed by the sponsor's General Counsel.
3. Safeguarding all national security information provided to the committee, and ensuring the committee complies with DoD policies and procedures dealing with national security information.
4. Ensuring, through the DoD sponsor, that any committee that receives national security information from any Executive Branch agency obtains appropriate security reviews prior to the release of any public disclosure of information, to include news releases, published reports and open meetings.
5. Overseeing the committee's internal controls over non-payroll financial transactions to ensure compliance with the Federal Acquisition Regulation and other DoD policies and procedures governing financial management practices.

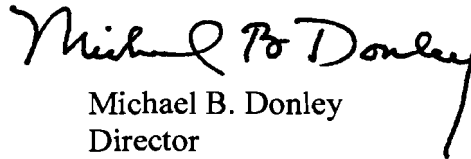
Recognizing that DFO duties for large, complex and geographically separated committees can be challenging, the DoD sponsor or designee is authorized to appoint alternate DFOs to assist the committee's DFO in the execution of his or her duties. The appointment of alternate DFOs shall follow the same DoD policies that govern DFO appointments.

Alternate DFOs may perform DFO duties when the duly appointed DFO, due to unforeseen circumstances or committee scheduling (e.g., multiple subcommittee meetings at different geographical locations), is unable to attend to fulfill his or her duties. Notwithstanding, the DoD sponsor must ensure that alternate DFOs do not become or are perceived to be full-time substitutes for the duly appointed DFO. When it

becomes necessary for the alternate DFO to act for the DFO at a committee or subcommittee meeting, the alternate DFO shall:

1. Make a public statement at the beginning of the meeting that he or she is standing in and has been duly appointed pursuant to DoD policy to act as the committee's alternate DFO during the DFO's temporary absence.
2. Ensure that the meeting minutes reflect that he or she is temporarily standing in for the committee's duly appointed DFO.
3. Perform all committee meeting duties required of the DFO.

If you have any questions regarding DFO appointments and/or duties, please contact me or the DoD CMO Mr. Frank Wilson at 703-601-2554, extension 113.

  
Michael B. Donley  
Director